

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PATRICIA K. HASTINGS,	)	Case No.
	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT
	)	
PAPILLION-LAVISTA SCHOOL	)	
DISTRICT, SCHOOL DISTRICT	)	
NO. 27,	)	
	)	
Defendant.	)	

Comes now the Plaintiff and for her cause of action against the Defendant, and alleges and states as follows:

FIRST CLAIM FOR RELIEF

1. Plaintiff Patricia K. Hastings ("Hastings") is a citizen and resident of Papillion, Sarpy County, Nebraska, and was at all times material hereto an employee of the Defendant, within the meaning of the Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 et . seq. and the American's With Disabilities Act 42 U.S.C. §12111(4).

2. Defendant Papillion-LaVista School District, School District No. 27 ("Papillion-LaVista") is a political subdivision of the State of Nebraska and at all times material hereto has been an employer within the meaning of the Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 et . seq.

3. Jurisdiction of this cause of action is vested in the Court by 29 U.S.C. §626 and 28 U.S.C. §§1331 and 1337 and American's With Disabilities Act 42 U.S.C. §12117(a), 42 U.S.C. §2000e-5(f)(3).

4. Ms. Hastings is a 55 years old female, born September 11, 1953. In April, 2000, at the age of 47, Ms. Hastings was hired by Papillion-LaVista as a SPED Paraprofessional.

5. On or about December 10, 2008, Ms. Hastings was terminated by Mimi Goings, Director of Human Resources.

6. On April 15, 2009, Ms. Hastings filed with the Equal Employment Opportunity Commission a charge of employment discrimination based upon age and disability. More than sixty

days have elapsed since the filing of the charge. Ms. Hastings has exhausted all remedies required of her, and this matter is appropriate for the Court's determination.

7. The Plaintiff's age and disability were determining factors in Defendant's decision to terminate the Plaintiff's employment, in violation of 29 U.S.C. §623a and 42 U.S.C. §12112(a). Said violation was willful, which entitles the Plaintiff to liquidated damages.

8. As a direct and proximate result of the above described acts of Defendant, Plaintiff has sustained and will continue to sustain in the future irreparable harm and substantial monetary damages.

WHEREFORE, Plaintiff prays for judgment against the Defendant on her cause of action stated herein and requests the following relief:

- (a) All salary lost, both prior to this date, and in the future, together with appropriate interest;
- (b) All fringe benefits lost together with appropriate interest;
- (c) Appointment to the Plaintiff's former position or to a comparable position;
- (d) Liquidated damages;
- (e) Attorney fees;
- (f) All costs, including expert witness fees, and expenses of this action and reasonable attorney fees; and
- (g) Such other relief as the Court shall deem equitable and just.

#### SECOND CLAIM FOR RELIEF

Plaintiff asserts as if fully set forth herein all of the allegations of paragraph 1 through 8, inclusive, of her First Claim for Relief.

9. The Plaintiff is and was at all times material hereto an employee of the Defendant within the meaning of the Nebraska Act Prohibiting Unjust Discrimination in Employment Because of Age, Neb. Rev. §48-1001, et. seq. The Defendant is and was at all times material hereto an employer within the meaning of said act.

10. The Plaintiff's age and disability were determining factors in the Defendant's decision to terminate the Plaintiff's employment, in violation of Neb. Rev. Stat. §48-1004(1).

11. The Plaintiff filed a charge of discrimination based on age with the Nebraska Equal Opportunity Commission ("NEOC") on or about April 15, 2009. Ms. Hastings has exhausted all remedies required of her and this matter is appropriate for the Court's determination.

12. The Court is empowered to determine Plaintiff's Second Claim for Relief under the pendent jurisdiction of this Court, 28 U.S.C. §1367 as the claims are so related that they form part of the same cause or controversy.

13. As a direct and proximate result of the above-described acts of the Defendant, the Plaintiff has sustained or will continue to sustain in the future irreparable harm and substantial monetary damages.

WHEREFORE, the Plaintiff prays for judgment against the Defendant on her Second Claim for Relief stated herein and requests the following relief:

- (a) All salary lost, both prior to this date, and in the future, together with appropriate interest;
- (b) All fringe benefits lost, together with appropriate interest;
- (c) Appointment to the Plaintiff's former position or to a comparable position;
- (d) Liquidated damages;
- (e) Attorney fees;
- (f) All costs, including expert witness fees, and expenses of this action and reasonable attorney fees; and
- (g) Such other relief as the Court shall deem equitable and just.

REQUEST FOR PLACE OF TRIAL

The Plaintiff requests trial be held at Omaha, Nebraska.

DEMAND FOR JURY TRIAL

The Plaintiff respectfully requests a trial by jury.

PATRICIA K. HASTINGS, Plaintiff

By:s/ROBERT E. O'CONNOR, JR.  
Robert E. O'Connor, Jr. #13113  
2433 South 130<sup>th</sup> Circle  
Omaha, NE 68144  
(402) 330-5906  
(402) 330-9763 Fax  
[reolaw@aol.com](mailto:reolaw@aol.com)